

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

ASHLEY H. THOMPSON, mother,  
JUSTIN THOMPSON, minor child,  
JORDAN THOMPSON, minor child,  
and RONALD C. THOMPSON,  
husband,

Plaintiffs,

v.

GEO MARINE, INC., and  
RUBEN GARZA,

Defendants.

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\* CIVIL ACTION NO. 2:06-cv-420

**REPORT OF PARTIES' PLANNING MEETING**

Pursuant to Fed.R.Civ.P., 26(f), a meeting was held on June 19, 2006, and was attended by:

S. Anthony Higgins; Nix Holtsford Gilliland Higgins & Hitson, P.C., P. O. Box 4128, Montgomery, AL 36103-4128, (334) 215-8585; Attorney for Geo Marine, Inc., and Ruben Garza;

Stan Moorhouse, Nelson Law, LLC, 25 S. Court Street, Montgomery, AL 36104, (334) 834-5700; Attorney for Plaintiff.

The parties do not request a conference with the court before entry of the scheduling order.

1. Plaintiff's Contentions: That the Defendant(s) did negligently and/or wantonly improperly operate a motor vehicle so as to cause physical injury, pain and suffering, emotional pain and suffering, loss of consortium, and property damage to the plaintiff(s).

2. Defendant's Contentions: The Defendants deny that Ruben Garza acted negligently or wantonly in causing the accident at issue in this case. Further, the Defendants assert that Ruben Garza was not acting in the line and scope of his employment with Geo Marine, Inc., at the time of the accident. While the vehicle operated by Garza was owned by Geo Marine, Inc., he was not on any business or errand for the company at the time of the accident. The Defendants also assert that the Plaintiff failed to keep a proper look-out and had the last clear

chance to avoid the accident at issue in this case. The Defendants also assert the defense of contributory negligence.

3. This jury action should be ready for trial by July 2007, and, at this time, is expected to take approximately 3 trial days.

4. The parties request a pretrial conference in May 2007.

5. Discovery Plan. The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the allegations of the Complaint as well as affirmative defenses asserted by the Defendant.

All discovery commenced in time to be completed by May 18, 2007.

6. Initial Disclosures. The parties will exchange by July 21, 2006, the information required by Fed.R.Civ.P, 26(a)(1).

7. The parties request until June 28, 2006, to join additional parties and amend the pleadings.

8. Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by January 19, 2007 - deposed by February 23, 2007

from defendant(s) by March 23, 2007 - deposed by April 13, 2007

9. Pretrial Disclosures. Final lists of witnesses and exhibits under Rule 26(a)(3) due 60 days prior to the trial. The parties have 30 days to depose any witness not previously disclosed. Objections must be filed within 14 days of receipt of list(s).

10. Discovery Limits.

Maximum of 50 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 10 depositions by plaintiff(s) and 10 by defendant(s). Each deposition limited to maximum of 8 hours unless extended by agreement of the parties.

Maximum of 50 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 50 requests for production of documents by each party to any other party. Responses due 30 days after service.

11. All potentially dispositive motions filed by, April 20, 2007.

12. Settlement cannot be evaluated prior to initial discovery being completed.
13. Other matters: None at this time.

Pursuant to the CM/ECF procedures, the undersigned parties certify that they are in agreement regarding the joint filing of this Report of Parties' Planning Meeting.

Date: June 29, 2006

/s/ S. Anthony Higgins

S. ANTHONY HIGGINS

Attorney for Defendants

OF COUNSEL:

NIX HOLTSFORD GILLILAND HIGGINS & HITSON, P.C.

P. O. Box 4128

Montgomery, Alabama 36103

Tel: 334-215-8585

Fax: 334-215-7101

/s/Stanley A. Moorhouse

STANLEY A. MOORHOUSE

Attorney for Plaintiff

OF COUNSEL:

NELSON LAW, LLC

25 S. Court Street

Montgomery, AL 36104